

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 513 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SURAT JILLA JUNGAL SAHAKARI SANGH LTD.

Versus

STATE OF GUJARAT & OTHERS

Appearance:

None present for the Petitioner
MR ND GOHIL for Respondent No. 1 and 2
MR SV PARMAR for Respondent No. 3
None present for Respondent No. 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 17/10/96

ORAL JUDGEMENT

1. Heard learned counsel for the respondents and perused the Special Civil Application. The petitioner has challenged by this Special Civil Application, the order dated 4-7-1984 of the respondent no.1 under which the respondents no.3 and 4 have been appointed as its Nominees on the Board of Directors of the

petitioner-society. The further challenge has been made by the petitioner to the show-cause notice dated 6-12-1986 issued by the respondent no.2 to the petitioner.

2. On 26th March, 1987, this court has admitted the petition and interim relief in terms of para no.12 has been granted. Para no.12 reads as under:

It is further prayed that pending the hearing and final disposal of this writ petition, the Hon'ble Court would be pleased to stay the execution, operation and implementation of the impugned order dated 4-7-1984 vide Annex. "A" to the petition and the impugned show cause notice dated 6-12-1986 vide Annex. "H" to the petition by necessary interim stay order.

So the execution and implementation of the impugned order dated 4-7-1984, annexure 'A' has been stayed and same is the position with the show cause notice dated 6-12-1986. When for all these years, the order annexure 'A' remain stayed, I do not consider it to be in the larger interest that at this stage now, this order should be given effect to. The show cause notice has been issued only because the order annexure 'A' has not been complied with by the petitioner.

3. In the result, this Special Civil Application is disposed of in the terms that the order dated 4-7-1984 may not be given effect to. Similarly, the show cause notice dated 6-12-1986 may also not be given effect to. However, it shall be open to the respondent no.1 to make appropriate order for appointing its Nominees on the Board of Directors of the petitioner-society in accordance with the law and if necessity arises. Rule stands disposed of accordingly with no order as to costs.

zgs/-